

# Exhibit 48



## CHARGES AGAINST MARTY TANKLEFF TO BE DROPPED

Had served 17 years after convicted of murdering parents

Share

g+1

Tweet

January 2, 2008 2:40:22 PM PST

LONG ISLAND -- Suffolk County District Attorney Tom Spota announced Wednesday that he will drop all charges against Martin Tankleff, who served 17 years in prison after being convicted of murdering his parents. "It is no longer possible to reasonably assert that the case...would be successful," Spota said.

Spota said his office will formally drop the indictment against Tankleff in the 1988 deaths of Arlene and Seymour Tankleff at a Jan. 18 court conference.

"Relieved, but I never should have been charged in the first place," Tankleff said.

Spota also announced he will ask Governor Eliot Spitzer to appoint a special prosecutor to investigate claims made by Tankleff and his defense attorneys that Seymour Tankleff's business associate or others may have been involved in the killings.

Tankleff, 36, was convicted in 1990 of killing his parents in their Long Island home. He was released after serving 17 years of a 50-year sentence after a New York appeals court found that new evidence uncovered by private investigators suggested the Tankleffs may have been killed in a business dispute.

The panel said it was "probable" that a new jury would render a different verdict, if given a chance to reconsider all evidence now available. It did not find, however, that Tankleff was innocent and instead directed that a new trial be held.

Tankleff was released last week on \$1 million bail and immediately started working on what he expected would be his upcoming trial.

"The last week has been spending time with family," he said. "Unfortunately, I've been away from family for 20 years...The other days I was in this office, working on my case, because I was ready for everything."

The following is the text of Spota's statement:

"Today I announce that, after due consideration and review, on January 18, 2008, I will ask Judge Doyle who has been assigned this case to dismiss the indictments against Martin Tankleff.

I know that while many believe this is the right decision, others will surely disagree.

However, I believe that I must proceed with this course of action because it is no longer possible to reasonably assert that the case against Tankleff would be successful.

I firmly believe that the various theories advanced as to others who may be responsible for the murders are just not supported by the credible evidence.

The manner in which Arlene Tankleff and Seymour Tankleff were killed is totally inconsistent with a "hit" or a burglary, as has been suggested.

Nevertheless, for legal and factual reasons the prosecution against this defendant is over.

The prosecution of any 20 year old murder case is difficult. Witnesses die, memories fade and the applicable law evolves and in some cases changes completely.

This case is no different.

The most important factor in my decision today is that the law as it applies to what is known as depraved indifference murder has changed completely since the original trial when Mr. Tankleff was convicted of the intentional murder of his father.

With respect to his mother, the jury convicted him of killing her with depraved indifference to human life and acquitted him of the intentional murder charge.

In 1990 this verdict with respect to the mother's murder was permitted. Today however it is legally impossible for us to bring to trial Martin Tankleff for the depraved indifference murder of his mother.

What was a proper verdict in 1990 is no longer legally possible because of court decisions since 2004 where in cases like this one the evidence clearly shows that both victims were intentionally murdered.

You may remember the Kenneth Payne case where the conviction was vacated and the defendant was released for the same reason.

I previously stated in our submissions to the Appellate Division dated June 5, 2007, should the Appellate Division vacate the conviction and send the case back for a new trial the indictment involving Arlene Tankleff must be dismissed.

Once the charge involving Arlene Tankleff is dismissed, the sole remaining charge is the intentional murder of Seymour Tankleff.

The defense will surely argue that all evidence with respect to Arlene Tankleff's murder must be excluded from a trial of Tankleff for the murder of his father.

This includes reference to his mother's murder in his confession and all forensic evidence that

relates to her murder and links her murder to Seymour's, and both murders are surely linked.

While the prosecution can make some argument as to the admissibility of this evidence, success is far from assured. I believe that attempting to try half of the case against Tankleff is futile and I will not do it.

After I ask the Court to formally dismiss the indictments on January 18th - I intend to request that the Governor consider the appointment of a special prosecutor to resolve any residual doubts with respect to the potential prosecution of other individuals the defense claims participated in these murders.

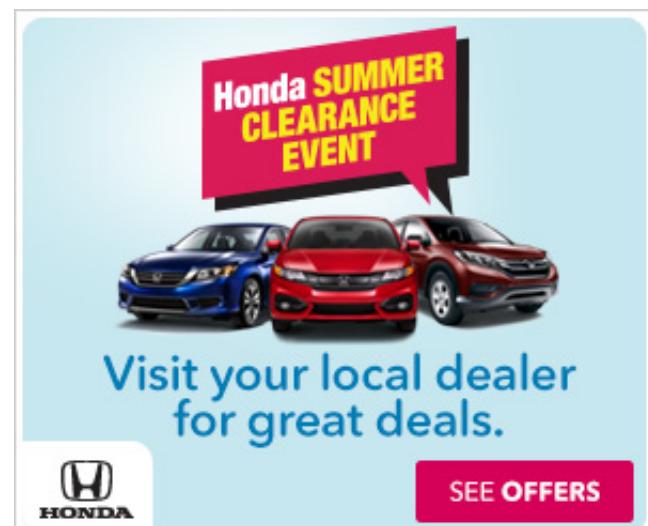
After nearly twenty years of successful appellate litigation I consented to the defense request for a hearing to vacate the conviction of Martin Tankleff.

When the Appellate Division vacated the defendant's conviction I agreed to a bail the defendant was able to post and assured that Tankleff was produced in court as expeditiously as possible.

Today, within two weeks of the Appellate Division decision I announce that this Office's prosecution and criminal investigation into the murder of Arlene and Seymour Tankleff has ended."

---

[LOAD COMMENTS](#)





---

[Home](#)

---

[AccuWeather](#)

---

[Traffic](#)

---

[Local News](#)

---

[Categories](#)

---

[Station Info](#)

---

[Shows](#)

---

[Mobile Apps](#)

---

Follow Us

---

[Privacy Policy](#)

[Children's Privacy Policy](#)

[Your California Privacy Rights](#)

---

[Terms of Use](#)

[Interest-Based Ads](#)

[Public Inspection File](#)

Copyright © 2015 ABC Inc., WABC-TV New York. All Rights Reserved.

34em/544px